

Eviction

What is eviction?

Eviction is a court ordered process that can end a tenant's right to possess a rental property. If a landlord forces a tenant out through any other means, the eviction is illegal and the tenant may be entitled to damages and repossession of the property.

What are the legal bases on which landlords can evict tenants?

1. non-payment of rent
2. creating a health hazard/injury to premises
3. termination of a tenancy (usually requires a 30-day notice) (MCLA 600.5714)
4. non-payment of fees for mobile home owners who rent lot spaces

How does an eviction start?

Eviction starts when one of four notices is sent to the tenant. One notice called "Demand for Possession for Nonpayment of Rent" is used if the basis of the eviction is nonpayment of rent. (7 days- DC 100a)

Another notice, called "Notice to Quit Health Hazard/Injury to Premises" (7 days- DC 100b) is issued for willingly or negligently causing serious health hazard or physical injury to the rental property.

A third notice is the "Termination of Tenancy" for non-rental payment issues such as the lease term has ended or a lease violation—but not for non-payment of rent (follows rental period—usually 30 days, DC 100c).

Lastly, the Notice to Quit of tenancy for mobile home lot renters (DC 100d—30 days).

Illegal Evictions

It is illegal for a landlord to attempt self-help measures to get you out, such as:

1. Changing the locks
2. Shutting off utilities
3. Actually moving your possessions out

A landlord may be held liable for any damages you incur under the state **Anti-lockout Law** (MCLA 600.2918). The only way a tenant can legally be evicted is through a court order, or if the city condemns the property.

The Court Process

The court process of an eviction begins when a Summons and Complaint are issued (MCLA 600.5735). The Summons indicates the date, time, and location of the court hearing (MCR 4.201 C).

Never ignore a summons.

At the first hearing either party may request a trial, either by jury or before the judge. At the actual trial, both sides may present their evidence and witnesses.

The Answer, Defense, and Counter Claim

This is how the party that received the complaint presents their side of the story. It is the written answer to the issued complaint. The answer allows the defendants to respond to the claims while also providing an opportunity to address issues regarding living conditions or to make a counterclaim.

How long will an eviction take?

It can take a minimum of four to six weeks to go through an eviction procedure, from the time a tenant receives a Notice to Quit to the day a sheriff physically evicts a tenant. Variables involved with an eviction include extensions and court scheduling.

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